

Interview Summary	Application No.	Applicant(s)	
	10/660,689	FREJBORG ET AL.	
	Examiner	Art Unit	
	Chester T. Barry	1724	

All participants (applicant, applicant's representative, PTO personnel):

(1) Chester T. Barry. (3)_____

(2) John Pietrangelo. (4)_____

Date of Interview: 13 February 2007

Type: a) ☒ Telephonic b) ☐ Video Conference ☒ e-mail
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: see attached.

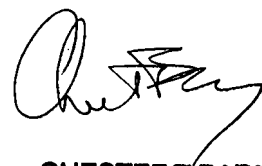
Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see attached. PAGES 1-4

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**CHESTERT. BARRY
PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

ATTACHMENT TO INTERVIEW SUMMARY

Barry, Chester

From: Barry, Chester
Sent: Thursday, February 15, 2007 4:36 PM
To: 'John Pietrangelo'
Subject: RE: reissue case; our ref. 2771.001; Appln. 10/660,689

I got the suppl response. thanks.

-----Original Message-----

From: John Pietrangelo [mailto:JP@hrfmlaw.com]
Sent: Thursday, February 15, 2007 4:23 PM
To: Barry, Chester
Subject: RE: reissue case; our ref. 2771.001; Appln. 10/660,689

I received your voice mail. Thank you. I will await your instructions on the proper wording of the Declaration.

Please confirm that you received the Supplemental Amendment I faxed to you late Tuesday evening.

Regards,

John

-----Original Message-----

From: Barry, Chester [mailto:Chester.Barry@uspto.gov]
Sent: Tuesday, February 13, 2007 7:47 PM
To: John Pietrangelo
Subject: RE: reissue case; our ref. 2771.001; Appln. 10/660,689

fax number is correct and most expeditious
chester

-----Original Message-----

From: John Pietrangelo [mailto:JP@hrfmlaw.com]
Sent: Tuesday, February 13, 2007 5:48 PM
To: Barry, Chester
Subject: RE: reissue case; our ref. 2771.001; Appln. 10/660,689

Ex. Barry,

Thank you very much for forwarding your suggested course of action below.

I concur with your suggestions. We will prepare and file the amendment tomorrow, Wednesday.

We will file the amendment via fax to your fax number 571-273-1152. Please confirm that this is the most expeditious way to file this amendment.

We await your confirmation of the appropriate wording of the Declaration.

Regards,

John Pietrangelo
Registered Patent Agent
Heslin Rothenberg Farley & Mesiti P.C.
Intellectual Property Law

5 Columbia Circle
Albany, NY 12203
518-452-5600
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Visit us at www.hrfmlaw.com
"At the crossroads of Law & Technology"

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-----Original Message-----

From: Barry, Chester [mailto:Chester.Barry@uspto.gov]
Sent: Tuesday, February 13, 2007 4:11 PM
To: John Pietrangelo
Subject: RE: reissue case; our ref. 2771.001; Appln. 10/660,689

Mr. Pietrangelo,

I suggest the following sequential course of action, (A, B, C):

A. You file a supplemental response in which you reference our recent discussion and make the changes to claims 12, 15, 37, and 38, to wit:

12. (thrice amended) A screen cylinder according to claim 11 wherein said slots have an extent sufficient to span, continuously and without interruption, in the axial direction two or more recesses.

15. (thrice amended) A screen cylinder according to claim [10] including means for releasably connecting said cylindrical screening MEDIUM and said CYLINDRICAL backing PLATE [cylinder] one to the other.

(CAPS in this message should be read as underlining because my e-mail editor does not support underlining)

37. (New) A SCREEN CYLINDER ACCORDING TO CLAIM 1, WHEREIN THE SCREENING MEDIUM COMPRISES A SCREENING(*) PLATE HAVING THE PLURALITY OF OPENINGS.

38. (New) A SCREEN CYLINDER ACCORDING TO CLAIM 37 WHEREIN THE SCREENING(*) PLATE INCLUDES A PLURALITY OF CONTOURED GROOVES.

(* I prefer "SCREENING PLATE" rather than merely "PLATE" to distinguish over another previously recited "plate," i.e., "backing plate.")

B. I run a draft of the "supplemental reissue application declaration by the assignee" up my reissue review flagpole (not an official term). The draft will say:

- "the specification of which was filed on 9/12/2003 . . . and was amended on 9/12/2003, 5/5/2006, and [date your supplemental response amending claim 15 actually gets filed]."
- ". . . by reason of other errors"
- [in box at top of page 2 of 2] "Original patent claim 15 failed to particularly point out and distinctly claim the invention insofar as original claim 10 did not provide adequate antecedent basis for "said cylindrical screening" and for "said backing cylinder."

Once I get an OK from my people, then I'll invite you to prepare such a supp declaration for assignee's signature. Then you file it.

C. I allow case without any examiner's amendment.

Step A is so that the suppl oath signed by assignee refers back to the changes to claim 15 upon which reissue relies and those to 12, 37, and 38 which will have taken place only after supp declar signed and filed. Step B is to increase probability that things will sail through OK this next round of effort especially because I have never seen a "by reason of other errors" declaration prepared or approved. Step C is to conclude this matter.

Please forward comments including your agreement to our pathforward before I forward the draft "supplemental reissue declaration by assignee" to the person who reviews my work.

Chester Barry
571-272-1152

-----Original Message-----

From: John Pietrangelo [mailto:JP@hrfmlaw.com]
Sent: Tuesday, February 13, 2007 3:26 PM
To: Barry, Chester
Subject: FW: reissue case; our ref. 2771.001; Appln. 10/660,689

Ex. Barry,

Any chance of receiving your suggested wording for the Declaration today?

John

-----Original Message-----

From: John Pietrangelo
Sent: Tuesday, February 13, 2007 10:54 AM
To: Barry, Chester
Subject: RE: reissue case; our ref. 2771.001; Appln. 10/660,689

I see the problem.

Here is my suggestion:

37. (New) A screen [plate] CYLINDER according to claim 1, wherein the screening medium comprises a plate having the plurality of openings.

38. (New) A screen [plate] CYLINDER according to claim 37, wherein the plate includes a plurality of contoured grooves.

Let me know if you have any issues with the above suggestion.

Another question: My client is eager to have this issue. With these changes and the oath, can you estimate when he can expect it to issue?

Thanks for your help with this.

John Pietrangelo
Registered Patent Agent
Heslin Rothenberg Farley & Mesiti P.C.
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5 Columbia Circle
Albany, NY 12203
518-452-5600
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jp@hrfmlaw.com

. Visit us at www.hrfmlaw.com
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-----Original Message-----

From: Barry, Chester [mailto:Chester.Barry@uspto.gov]
Sent: Tuesday, February 13, 2007 10:34 AM
To: John Pietrangelo
Subject: reissue case

Mr. P -

Did you want 37 to depend from clam 1 or from claim 10? I can do that by Ex Amd, too.

It'll be later today before I get that email out to you.

Chester Barry
571-272-1152